

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ECOVEST CAPITAL, INC., et al.

Defendants.

Case No. 1:18-cv-05774-AT

**THIRD JOINT MOTION  
TO EXTEND STAY OF COUNTERCLAIM DISCOVERY**

On June 6, 2022, this Court granted the joint motion to stay counterclaim discovery filed by Claud Clark III and the United States (the Counterclaim Parties). (Doc. 395.) Later, on subsequent joint motions, the Court extended that stay through October 10, 2022. (Docs. 398, 400; *see also* Order Staying Case entered Sept. 12, 2022.)

The Counterclaim Parties remain actively engaged in settlement discussions and request one additional stay, through October 24, 2022 (or until the parties have notified the Court that settlement discussions are complete), to provide time to complete those discussions. Accordingly, to preserve judicial resources and to allow the Counterclaim Parties to focus exclusively on settlement negotiations (which

might otherwise be compromised by a discovery dispute), Mr. Clark and the United States jointly move to extend the previously granted stay of counterclaim discovery through October 24, 2022, or until the parties have advised the Court that settlement discussions have concluded. The Counterclaim Parties do not anticipate an additional extension will be required to conclude their negotiations. However, an additional extension may be necessary to allow the Government to process any formal settlement offer.

A proposed order for the Court's consideration is attached as Exhibit 1.

Respectfully submitted this 7th day of October, 2022.

DAVID A. HUBBERT  
Deputy Assistant Attorney General

KHAYAT LAW FIRM

/s/ Thomas K. Vanaskie  
THOMAS K. VANASKIE  
D.C. Bar No. 1000405  
BEATRIZ T. SAIZ  
N.J. Bar No. 024761995  
Trial Attorneys, Tax Division  
U.S. Department of Justice  
P.O. Box 14198  
Washington, D.C. 20044  
Telephone: (202) 305-7921  
Facsimile: (202) 514-4963  
Thomas.K.Vanaskie@usdoj.gov  
Beatriz.T.Saiz@usdoj.gov

/s/ Robert C. Khayat, Jr.  
Robert C. Khayat, Jr.  
Georgia Bar No. 416981  
Brian D. Spielman  
Georgia Bar No. 596026  
KHAYAT LAW FIRM  
75 14th Street, N.E.  
Suite 2750  
Atlanta, GA 30309  
Telephone: (404) 978-2750  
Facsimile: (404) 978-2901  
RKhayat@khayatlawfirm.com  
BSpielman@khayatlawfirm.com

*Counsel for Counterclaim Defendant  
United States of America*

*Counsel for Claud Clark III*

**LR 7.1(D) CERTIFICATE OF FONT COMPLIANCE**

I hereby certify that the foregoing document has been prepared with one of the font and point selections approved by the Court in Rule 5.1(C) of the Civil Local Rules of Practice for the United States District Court for the Northern District of Georgia, specifically Times New Roman 14 pt. font.

/s/ Thomas K. Vanaskie  
THOMAS K. VANASKIE  
D.C. Bar No. 1000405  
Trial Attorney, Tax Division  
U.S. Department of Justice

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing document was electronically filed this day with the Clerk of the Court through the CM/ECF system, which will send notice of electronic filing to all counsel of record.

This 7th day of October, 2022.

/s/ Thomas K. Vanaskie  
THOMAS K. VANASKIE  
D.C. Bar No. 1000405  
Trial Attorney, Tax Division  
U.S. Department of Justice